

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues)	
Against:)	
)	
ALI KHAN)	Case No. 20-2013-231899
)	
)	OAH No. 2013120045
)	
)	
)	
Applicant.)	
_____)	

DECISION

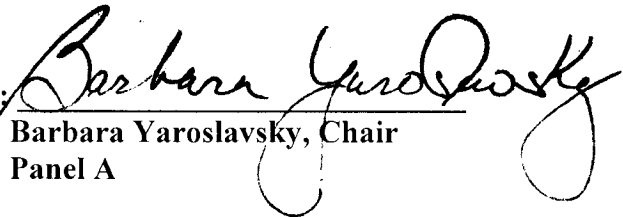
The attached Proposed Decision is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on **July 18, 2014.**

IT IS SO ORDERED **June 19, 2014.**

MEDICAL BOARD OF CALIFORNIA

By:


Barbara Yaroslavsky, Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

ALI KHAN,

Respondent.

Case No. 20-2013-231899

OAH No. 2013120045

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on May 22, 2014.

Emily L. Brinkman, Deputy Attorney General, represented complainant.

Respondent Ali Khan, was present and was represented by Fredrick M. Ray, Attorney at Law.

The matter was submitted on May 22, 2014.

FACTUAL FINDINGS

1. Kimberly Kirchmeyer made the Statement of Issues in her official capacity as Executive Director of the Medical Board of California (Board).

2. In December 2012, the Board received an application for a physician and surgeon's certificate from Ali Khan (respondent). The Board denied the application on May 6, 2013. Respondent timely requested an administrative hearing.

3. Respondent graduated from Allama Iqbal Medical College in Lahore, Pakistan with a doctor of medicine degree on June 27, 1996.

4. Respondent completed Step 1 of the United States Medical Licensing Examination (USMLE) on December 9, 1999, Step 2 of the USMLE on August 25, 1998, and Step 3 of the USMLE on November 25, 2002 (The dates in respondent's curriculum vitae differ from the dates in the Statement of Issues).

5. Respondent completed a three-year family practice residency at Mercy St. Vincent Medical Center in Toledo, Ohio on June 30, 2004 (The date on the respondent's curriculum vitae is different).

6. Respondent was issued a medical license in the State of Ohio on October 1, 2003. Disciplinary action is pending against respondent's Ohio license. Respondent was issued a medical license in the State of Florida on May 4, 2005.

7. On December 12, 2007, based on a guilty plea to one misdemeanor count of theft of a credit card, the Ohio Medical Board issued an order imposing permanent revocation, stayed subject to a 30 day suspension, and placed respondent on probation for at least two years upon terms and conditions. Respondent stole and used a credit card belonging to a coworker without her permission. This conviction is substantially related to the duties, qualifications and functions of a licensee.

8. On February 29, 2008, the State of Florida Department of Health filed an administrative complaint against respondent based on the discipline imposed against respondent's Ohio medical license by the Ohio Medical Board.

9. On April 15, 2008, the State of Florida Board of Medicine adopted as its decision a stipulation between respondent and the State of Florida Department of Health providing for a Letter of Concern, payment of \$1,000 fine, and a five hour ethics course, and a probationary period to run concurrently with the Ohio Board of Medicine probation.

10. On September 12, 2012, while respondent was still on probation for the earlier offense, respondent's Ohio license was permanently revoked by the Ohio Medical Board for making a false, fraudulent, deceptive, or misleading statement in relation to the practice of medicine; being complicit in the unlicensed practice of medicine; the introduction or delivery for introduction into interstate commerce of a drug that is adulterated or misbranded; using a drug that is not approved by the United States Food and Drug Administration; and tampering with records. The Ohio Medical Board's disciplinary action has been appealed by respondent and part of the matter was remanded for further action by the Ohio Medical Board. The matter is still pending.

Respondent's Evidence

11. Respondent presented several letters of support. One letter was from his wife, who is a licensed Physician's Assistant in California. One was from a registered nurse that works for respondent and one from respondent's partner in his practice in Ohio. They all believe respondent has paid for his mistakes and that he has put that part of his life behind him.

12. Respondent also presented a letter from the Federal Bureau of Investigation concerning work he has done helping the agency.

13. Respondent presented proof of completion of Continuing Medical Education, including the ethics course required by the Florida Board of Medicine.

14. Respondent admits that he was careless when he allowed his nurse to perform procedures without his direct supervision and recognizes that Ohio law required him to be in attendance. He also admits that he used botox that was not USFDA approved.

15. Under the circumstances of this matter, and while serious disciplinary charges are pending in Ohio, it would not be in the public interest to issue respondent a probationary license at this time.

LEGAL CONCLUSIONS

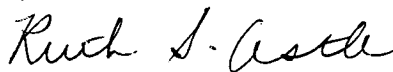
1. By reason of the matters set forth in Factual Findings 6 through 10, cause for denial exists pursuant to Business and Professions Code sections 480, subdivision (a)(2) and (a)(3) (acts of dishonesty such as theft and violations of the code), 2305 (discipline imposed by another state) and 141, subdivision (a) (disciplinary action taken by another state).

2. The matters set forth in Factual Findings 11 through 14, have been considered in making the following order. It would be against the public interest to issue respondent a probationary license at this time.

ORDER

The application of Ali Khan for a Physician and Surgeon's Certificate in California is hereby denied.

DATED: May 27, 2014



RUTH S. ASTLE

Administrative Law Judge
Office of Administrative Hearings